IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 705 (MS) OF 2006

1. Mahendra Singh,
2. Sompal,
   Both sons of Sri Amar Singh,
3. Ashok Kumar,
4. Subhash Chand,
5. Satish Kumar,
6. Pawan Kumar,
   All sons of Sri Babu Ram,
   All R/o Village-Kutubpur,
   Tehsil & District-Haridwar. .....Petitioners.

Versus

1. District Judge, Haridwar,
   District- Haridwar.
2. Civil Judge (Jr. Div.), Haridwar,
   District- Haridwar.
3. Assistant Engineer,
   Tehri Hydro Development Corporation,
   Rehabilitation, Ranipur Haridwar,
   District- Haridwar.
4. Manager Rehabilitation,
   Tehri Hydro Development Corporation,
   Pragatipuram Rishikesh,
   District- Dehradun.
5. Senior Manager, Tehri Hydro Development Corporation,
   Tehri, District- Tehri Garhwal
6. Tehsildar, Upnivesh Karyalaya,
   Tehri Bandh Pariyojan Rishikesh,

District- Dehradun. .....Respondents

Dated: 13.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Ajay Veer Pundir, Advocate for the petitioners, Sri Shobhit Saharia, Advocate for the respondents no. 3 to 6 and Standing Counsel for the respondents no. 1 and 2. Both the parties have agreed that instead of keeping the writ petition pending, let it be disposed of so that the petitioner may not linger on proceedings.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the order dated 8th February, 2005 and 20th May, 2006 passed by the Civil Judge, Jr. Div., Haridwar as well as District Judge, Haridwar so far as the refusal of the temporary injunction is concerned.

Briefly stated, a suit was filed by the plaintiffs/petitioners praying for permanent injunction restraining the respondents from interfering with the possession of the petitioners. Petitioners have stated that land in dispute was given to them by way of lease long ago and more than 35 years have passed since then they are in possession of virtue of the notification issued by the Government on 27th August, 1971.

Both the courts below have refused to grant the injunction on the ground that the petitioners were unable to produce any lease deed and hence the injunction was refused.

Counsel for the petitioners has pointed out the report of the inspection, where the petitioners have been found to be in possession and the crops have been sown.

In view of the aforesaid, since both the courts below have refused to grant injunction, I do not think it proper to interfere with the order passed by the courts below.

However, the Civil Judge is directed to expedite the civil suit preferably within a period of three months since in the inspection report it has come that the petitioners are in possession and they have also sown the crops, therefore, during this period, the parties are directed to maintain status quo with regard to the possession.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

13.06.2006
Rathour